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## FAX TRANSMISSION

DATE: July 18, 2006

PTO IDENTIFIER: Application Number 10/573,639  
Patent Number

Inventor: Ulrich Schwaneberg

MESSAGE TO: US Patent and Trademark Office - MS - PCT

FAX NUMBER: (571) 273-8300

FROM: CONNOLLY BOVE LODGE & HUTZ LLP

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Attorney Dkt. #: 12810-00231-US

PAGES (Including Cover Sheet): 8

CONTENTS: Certificate of Transmission under 37 CFR 1.8 (1 page)  
Transmittal of International Preliminary Examination Report (1 page)  
PCT - International Preliminary Report on Patentability  
(Chapter 1 of the Patent Cooperation Treaty (1 page)  
PCT - Written Opinion of the International Searching Authority (4 pages)

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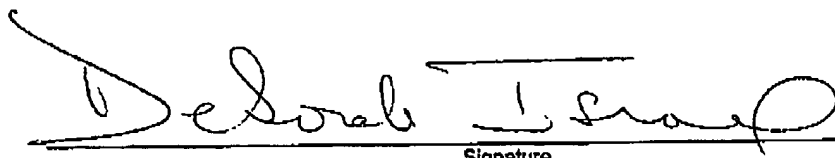
Application No. (if known):

Attorney Docket No.:

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Transmittal of International Preliminary Examination Report (1 page)  
PCT - International Preliminary Report on Patentability  
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NO. 2300 P. 3  
Docket No.: 12810-00231-US  
(PATENT)

JUL 18 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Ulrich Schwaneberg

Application No.: 10/573,639

Confirmation No.: N/A

Filed: March 28, 2006

Art Unit: N/A

For: A PROCESS FOR SEQUENCE SATURATION  
MUTAGENESIS (SESAM)

Examiner: Not Yet Assigned

**TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

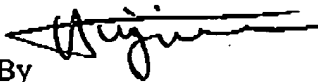
MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants enclose herewith the copy of the International Preliminary Examination Report.

Applicants believe no fee is due with this communication. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 12810-00231-US, from which the undersigned is authorized to draw.

Respectfully submitted,



By  
Hui-Ju Wu, Ph.D.

Registration No.: 57,209  
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## PATENT COOPERATION TREATY

## PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 0000054945	FOR FURTHER ACTION		See item 4 below
International application No. PCT/EP2004/010911	International filing date (day/month/year) 30 September 2004 (30.09.2004)	Priority date (day/month/year) 02 October 2003 (02.10.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant BASF Aktiengesellschaft			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 740 14 35	Date of issuance of this report 03 April 2006 (03.04.2006)
	Authorized officer  Ellen Moyse  Telephone No. +41 22 338 89 75

Form PCT/IB/373 (January 2004)

## PATENT COOPERATION TREATY

NO. 2300—P. 5

REC'D 17 FEB 2005

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PCT

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

2/4

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)Applicant's or agent's file reference  
see form PCT/ISA/220FOR FURTHER ACTION  
See paragraph 2 belowInternational application No.  
PCT/EP2004/010911International filing date (day/month/year)  
30.09.2004Priority date (day/month/year)  
02.10.2003International Patent Classification (IPC) or both national classification and IPC  
C12N15/10Applicant  
BASF AKTIENGESELLSCHAFT

## 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

## 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1b/s(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

## 3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office  
D-80298 Munich  
Tel. +49 89 2399 - 0 Tx: 523656 epmu d  
Fax: +49 89 2399 - 4465

Authorized Officer

Hillenbrand, G

Telephone No. +49 89 2399-8428



**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/EP2004/010911

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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☒ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☒ in written format
    - ☒ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☒ furnished subsequently to this Authority for the purposes of search.
3. ☒ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**International application No.  
PCT/EP2004/010911

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or  
Industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-15
	No: Claims	
Inventive step (IS)	Yes: Claims	1-15
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-15
	No: Claims	

**2. Citations and explanations****see separate sheet**

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/010911

- D1: WO 03/050305 A (SEEGENE INC ;CHUN JONG-YOON (KR)) 19 June 2003 (2003-06-19)
- D2: US-B1-6 238 884 (FREY GERHARD JOHANN ET AL) 29 May 2001 (2001-05-29)
- D3: "RECOMBINANT DNA" METHODS IN ENZYMOLOGY, ACADEMIC PRESS INC, SAN DIEGO, CA, US, vol. 155, 1987, pages 555-569, XP002929872 ISSN: 0076-6879

**Novelty (Article 33.2 PCT) and inventive step (Article 33.3 PCT)**

Having regard to the cited prior art the claimed process for sequence saturation mutagenesis (SeSaM) is considered novel. The claimed matter also comprises the required inventive step since the defined process features of claim 1 were not derivable in an obvious manner from the cited prior art documents.